

**REMARKS**

Claims 1-24 are currently pending. Claims 1, 7 and 24 have been amended herein. New claims 25-27 have been added. The allowance of claims 13-15 and 23, and the indication of allowable subject matter in claims 3 and 4, are acknowledged with appreciation. Reconsideration of the application is respectfully requested.

**Art Rejections**

The Office Action includes a rejection of claims 1, 2 and 24 under 35 U.S.C. §103(a) as allegedly being unpatentable over the *Brandt* patent (U.S. Patent No. 5,438,446). This rejection is respectfully traversed.

Claim 1 recites an optical scanner for deflecting a plurality of light beams at a given wavelength  $\lambda$  from a light source towards a surface to be scanned, said scanner including at least one optical element having a surface which reflects said light beams. Claim 1 has been amended to recite that said surface comprises a thin film in which the reflectance of s-polarized light at said given wavelength and p-polarized light at said given wavelength differ by no more than 3.0% over any incidence angle in the range of 0-60°. Support for the claim change may be found at least at page 15, lines 13-22 of the specification. Claim 24 has been amended in a similar manner.

In contrast, the *Brandt* patent does not disclose an optical scanner including at least one optical element having a surface comprising a thin film in which the reflectance of s-polarized light at said given wavelength and p-polarized light at said given wavelength

differ by no more than 3.0% over any incidence angle in the range of 0-60°, as recited in claim 1. The Office states that Figures 5 and 6 of the *Brandt* patent disclose that the reflectance of S-polarized light and the reflectance of P-polarized light are substantially the same at an incident angle of 15 degrees for a film thickness of 180 nm. However, it is evident from Figures 5 and 6 of the *Brandt* patent that at a film thickness of 180 nm, which is disclosed at column 6, lines 48-54 as being an optimal thickness, the reflectances of S-polarized light and P-polarized light differ substantially at an incident angle of 45°. Similarly, as shown in Figures 5 and 6 of the *Brandt* patent, at a film thickness of 70 nm, which is disclosed at column 6, lines 55-59 of the *Brandt* patent as being another optimal thickness, the reflectances between S-polarized light and P-polarized light differ significantly at an incident angle of 45°. Thus, Applicants respectfully submit that the *Brandt* patent does not disclose an optical scanner including at least one optical element having a surface comprising a thin film in which the reflectance of s-polarized light at said given wavelength and p-polarized light at said given wavelength differ by no more than 3.0% over any incidence angle in the range of 0-60°, as recited in claim 1. Independent claims 1 and 24 are patentable over the *Brandt* patent for at least these reasons. Claim 2 is allowable at least by virtue of dependency from claim 1. Withdrawal of the rejection and allowance of claims 1, 2 and 24 are respectfully requested.

**Rejoinder of Withdrawn Claims**

Claims 5-12 and 16-22 were withdrawn from consideration as being directed to non-elected species. The September 12, 2002 Office Action set forth an Election of Species Requirement that required, *inter alia*, an election of species A or species B (species A alleged to be one wherein the surface is provided on a reflection-type optical element, and species B alleged to be one wherein the surface is provided on a transmission-type optical element). Claim 24, which is believed to be in condition for allowance as discussed above, is generic to both species A and species B inasmuch as claim 24 recites "a surface which receives said light beams" (emphasis added), i.e., claim 24 is not restricted to a reflection-type optical element or to a transmission-type optical element. Accordingly, since claim 24 is believed to be in condition for allowance, Applicants respectfully request that claims 5-12 and 16-22 be rejoined and allowed with the application. In this regard, Applicants point out that independent claim 7 has been amended in a manner similar to that of claims 1 and 24 and is believed to be allowable at least for reasons similar to those set forth above for claims 1 and 24.

**New Claims 25-27**

New claims 25-27, which depend from claims 1, 7 and 24, respectively, have been added herein to recite that the plurality of light beams includes light having s-polarized-light and p-polarized-light components. The Examiner acknowledged, at page 3 of the Office Action, that the *Brandt* patent does not disclose using S-polarized light and P-

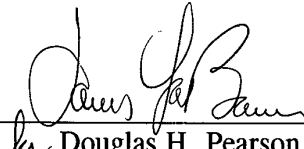
together, but stated that claims 1 and 24 did not positively recite that the plurality of light beams included S-polarized light and P-polarized light components. Claims 25-27 now make these positive recitations and, accordingly, are further patentable over the *Brandt* patent at least because the *Brandt* patent does not disclose this subject matter. Allowance of claims 25-27 is respectfully requested for at least this reason, and at least by virtue of dependency.

In light of the foregoing, withdrawal of the rejections and allowance of this application are respectfully requested. Should there be any questions in connection with the application, the Office is invited to contact the undersigned at the number below.

Respectfully submitted,

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